



Fire Safety Act 2021

2021 CHAPTER 24

3 Risk based guidance about the discharge of duties under the Fire Safety Order

(1) Article 50 of the Regulatory Reform (Fire Safety) Order 2005 ([S.I. 2005/1541](#)) (guidance) is amended as follows.

(2) After paragraph (1) insert—

“(1A) Where in any proceedings it is alleged that a person has contravened a provision of articles 8 to 22 or of regulations made under article 24 in relation to a relevant building (or part of the building)—

- (a) proof of a failure to comply with any applicable risk based guidance may be relied on as tending to establish that there was such a contravention, and
- (b) proof of compliance with any applicable risk based guidance may be relied on as tending to establish that there was no such contravention.”

(3) After paragraph (2) insert—

“(2A) Before revising or withdrawing any risk based guidance in relation to relevant buildings the Secretary of State must consult such persons as the Secretary of State considers appropriate.”

(4) After paragraph (3) insert—

“(4) In this article—

“relevant building” means a building in England containing two or more sets of domestic premises;

“risk based guidance” means guidance under paragraph (1) about how a person who is subject to the duties mentioned there in relation to more than one set of premises is to prioritise the discharge of those duties in respect of the different premises by reference to risk.”